IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CUSTOMS APPLICATION NO.6 OF 2001

The Commissioner of Customs .. Petitioner
V/s
Seabridge Maritine Agencies Pvt.Ltd. .. Respondent

Mr.Y.R.Mishra for the Petitioner.
Mr.V.Subramaniam for the Respondent.

CORAM: S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 03.02.2005.

P.C.:

1. Heard the learned Counsel fo the parties. Perused the order of the CEGAT dated 13th October, 1998. The following observations of the CEGAT in paragraph No.3 of its order are relevant:-

"The responsibility for filing a minifest containing details of cargo is placed by section 30 upon the master of the vessel. The manifest is filed either by the master or on his behalf by his agent. The slot charterer himself is neither the master nor his agent. If the slot Charterer failed to intimate the master the details of the containers, that is a matter between the slot Charterer and the master of the ship. In the absence of provisions in this regard it is not a matter concerning the customs department. Much less is the customs department concerned with the activity of the local agent of the charterer. Further the manifest itself was permitted to be amended and the cargo cleared. The contention of the departmental representative that the penalty has been imposed for the reason that the slot charterer omitted to supply the particulars to the master of the vessel hardly calls for an answer. It is in any case not explained why the local agent was subjected to penalty when the slot charterer himself was not penalised. We find that the penalty is without basis whatsoever."

2. Having regard to the aforesaid observations, it is explicitly clear that there is no substantial question of law involved in this matter. Application therefore stands dismissed.

(S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)